Agreement with U.K. on transfer of prisoners/convicts

3632. SHRI T.S. BAJWA:
SHRIMATI SAVITA SHARDA:
SHRIMATI SUKHBUNS KAUR:
SHRI RAVULA CHANDRA SEKAR REDDY:
SHRIMATI VANGA GEETHA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that India and U.K. have signed an agreement on the transfer of prisoners/convicts;

(b) if so, the details thereof;

(c) the details of prisoners/convicts likely to be repatriated from both sides; and

(d) what precautions have been taken to ensure that prisoners/convicts do not take undue advantage to escape punishment for the crime committed by them?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO GAVIT): (a) and (b) An agreement between the Government of India and the Government of U.K. on the transfer of sentenced persons was signed on 18.2.2005. The salient features of the agreement are as follows:—

(1) A request for transfer may be made by the sentenced person or a person entitled to act on his behalf in view of his age or physical or mental condition.

(2) The request for transfer will have to be agreed upon by the Transferring State and the Receiving State.

(3) The transfer will be affected if the judgment awarding the sentence is final in India, i.e. no appeal or revision against the judgment is pending in any Court.

(4) The transfer will be made if the convicted prisoner is a national of the Receiving State.

(5) The law of the Receiving State shall govern the enforcement of the sentence. However, the Receiving State shall be bound by the legal nature and duration of the sentence as determined by the Transferring State.

(6) The enforcement of sentence in the Receiving State, to the extent that it has been enforced in the Transferring State, shall have the effect of discharging the sentence.

(7) The Transferring State alone shall be competent to decide any application for review of the judgment. Either State may grant pardon, amnesty or commutation in accordance with its Constitution or other laws.

(8) The convicted prisoner shall not be transferred if:

(i) The Transferring State is of the opinion that it would be prejudicial to the sovereignty, security or any other interest of the Transferring State,

(ii) There is any other case pending in the Transferring State against the convicted prisoner;

(iii) He is convicted of an offence under military law not being an offence under the ordinary criminal law of the Transferring State; and

(iv) Death penalty has been awarded to the convicted prisoner in theTransferring State.

(c) So far no applications for repatriation from either side have been obtained.

(d) A provision has been made in the agreement that the Receiving State shall give an undertaking to administer the remaining part of the sentence of the sentenced person in the Receiving State. Further, the Receiving State shall be bound by the legal nature and duration of the sentence as determined by the Transferring State.

Special home for delinquent children in Delhi

3633. SHRIMATI PREMA CARIAPPA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that no special home meant for delinquent children exist in Delhi;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?